

**REMARKS****Response to Claim Rejections Under 35 U.S.C. §103**

Claims 25-39, 44-48, 51, 66-70, and 73 were rejected by the Examiner under 35 U.S.C. §103(a) as being unpatentable over Gough et al. (U.S. Pat. No. 5,683,384) in view of Ritchart et al (U.S. Pat. No. 5,810,806). Applicants have amended the independent claims to require the tissue cutter at the distal end of the device to have a greater transverse dimension than the transverse dimension of the distal end. This facilitates passage of the device through tissue to the site to be accessed. None of the references cited by the Examiner suggest this feature.

Claims 40-43, 52-54, and 74-76 were rejected by the Examiner under 35 U.S.C. §103(a) as being unpatentable over Gough et al. ('384) in view of Ritchart et al. ('806) and further in view of Mulier et al. (U.S. Pat. No. 5,431,649). However, as discussed above, Gough et al. and Ritchart et al. fail to suggest the features of the independent claims from which the above rejected claims depend. Moreover, Mulier et al. fails to make up for the deficiencies of Gough et al. and Ritchart et al., and therefore the combination of references relied upon by the Examiner do not teach or suggest all the features of the rejected claims.

**Response to Allowable Subject Matter**

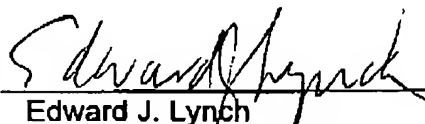
The Applicants note with appreciation the Examiner's indication that Claims 49, 50, 71, and 72 are directed to patentable subject matter and would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. However, Applicants believe that the independent claims from

which the allowable claims depend are now in condition for allowance, so there is no need for further amendments to these claims.

**Conclusion**

Applicants believe that the presently pending claims are directed to patentable subject matter. Reconsideration and an early allowance of the pending claims are earnestly solicited.

Respectfully submitted,

By:   
Edward J. Lynch  
Registration No. 24,422  
Attorney for Applicants

DUANE MORRIS LLP  
One Market  
Spear Tower, Suite 2000  
San Francisco, CA 94105  
Telephone: (415) 957-3000  
Facsimile: (415) 957-3001  
Direct Dial: (415) 957-3067